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BY ECF

Hon. Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Hon. Eric N. Vitaliano
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Potential relatedness between two recently filed cases
Justin Sherwood v. City of New York, et al., 22-cv-7505 (BMC)
Justin Sherwood v. City of New York, et al., 23-cv-00282 (ENV)

Your Honors:

I am co-counsel for Justin Sherwood, the Plaintiff in these actions. Plaintiff filed the first action, 22-cv-7505, on December 9, 2022. A copy of the complaint is attached as Exhibit 1. Plaintiff filed the second action, 23-cv-00282, on January 19, 2023, and marked it as related to the first action. A copy of the complaint in the second action is attached as Exhibit 2.

As described in the pleadings, both actions arise from retaliation against Mr. Sherwood by New York City Police Department (“NYPD”) members in connection with his reporting of illegally parked motor vehicles, including NYPD members’ cars. Both name the City of New York and NYPD Deputy Inspector Adeel Rana – who supervised and was responsible in part for investigating and/or disciplining the individual NYPD members named in each case - as Defendants. Both involve similar fact patterns of complaints and NYPD retaliation, though on different dates and involving different individual Defendants (aside from Defendant Rana). The first action arises from complaints and retaliation that occurred on September 10, 2021, and the second action arises from complaints and retaliation that occurred on August 13, 2021, August 26, 2021, and October 18, 2021.

The initial pretrial conference in the first action is scheduled to take place on January 24, 2023. In a letter filed with the Court today in anticipation of that conference – before Hon. Vitaliano was assigned to the second action - a copy of which is attached as Exhibit 3, counsel for Defendant City of New York indicated the Law Department would likely move to dismiss the municipal liability claims, as well as the claims against Defendant Rana, in the first action.

Plaintiff intends to amend the pleadings in both actions to amplify and harmonize the municipal liability and state law claims in each. As to the state law claims, in both cases, Plaintiff has initiated actions in the New York State Supreme Court seeking leave to file late notices of claim *nunc pro tunc*, which the Court wants to hear together, and which Plaintiff expects will be returnable on February 23, 2023.

Against that backdrop, Plaintiff respectfully submits these cases are related within the meaning of Local Civil Rule 1.6(a) and Division of Business Rule 13(a)(1). The actions concern the same parties and many of the same events, there is substantial factual overlap, and, absent a determination of relatedness, the parties are likely to be subjected to conflicting orders and both the parties and the Court, as well as witnesses, are likely to experience a substantial duplication of effort, expense, burden, and/or delay.

Prior to filing the second action, I informed defense counsel for Defendant City in the first action that I was doing so. Before the summons against Defendant City was issued in the second action, I e-mailed him a copy of the complaint in the second action. And, earlier today, when that summons was issued, I e-mailed him a courtesy copy of the summons and complaint when I served them on Defendant City. After Hon. Vitaliano was assigned to the second action and I served it on Defendant City, I e-mailed defense counsel for Defendant City in the first action to inform him that I would be writing the Court in both cases to state Plaintiff's view that they are related, and asked defense counsel for his position. I have not yet heard back.

Thank you for your attention to these matters.

Respectfully submitted,

/S/

Gideon Orion Oliver